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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/316,164 05/21/99 COHEN

T 5102-P-006

EXAMINER

LM02/0920

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ART UNIT

PAPER NUMBER

2771

DATE MAILED:

09/20/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. <u>09/316,614</u>	Applicant(s) <u>COHEN ET AL.</u>
Examiner <u>QUAY L. HO</u>	Group Art Unit <u>2771</u>

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8-3-99 PRELIMINARY AMENDMENT
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 39, 48-81 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 39, 48-53 is/are allowed.
- ☒ Claim(s) 54-55, 61-62, 68-69, 75-76 is/are rejected.
- ☒ Claim(s) 56-60, 63-67, 70-74, 77-81 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3, 4
- ☐ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Priority

1. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification (37 CFR 1.78).

Claim Objections

2. Claim 55 is objected to because of the following informalities: 'the display on the television comprise' is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 54-55, 61-62, 68-69, and 75-76 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 91/05436.

Regarding claim 54:

Each and every element of claim 54 are disclosed by WO 91/05436, note: the claimed 'a

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method for broadcasting data to a television set using a carrier signal such as a television or commercial radio carrier signal' is shown in page 1, paragraph 1;

the claimed 'constructing a data stream from the records of a transmission database' is shown in page 1, paragraph 3;

the claimed 'the database having individual first records, each first record comprising one of a selection of formats' is shown in page 1, paragraph 5;

the claimed 'at least one of the first records comprising executable program code or an object' is shown in page 2, paragraph 3;

the claimed 'broadcasting the data stream with the carrier signal' is shown in page 1, paragraph 1.

Regarding claim 55:

The claimed 'at least one first record comprises stream data and the display on the television comprise an audio presentation' is shown in page 1, paragraphs 1 and 3.

Regarding claim 61:

The claimed 'receiving a carrier signal and from it decoding a data stream to a user's database' is shown in page 4, paragraph 2;

claim 61 is rejected for the similar rationale given for claim 54.

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Regarding claim 62:

Claim 62 is rejected for the similar rationale given for claim 55.

Regarding claim 68:

Claim 68 is rejected for the similar rationale given for claim 61.

Regarding claim 69:

Claim 69 is rejected for the similar rationale given for claim 55.

Regarding claim 75:

Claim 75 is rejected for the similar rationale given for claim 54.

Regarding claim 76:

Claim 76 is rejected for the similar rationale given for claim 55.

5. Claims 39, 48-53 are allowed.
6. Claims 56-60, 63-67, 70-74, and 77-81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter:

In claim 39, the claimed 'each first record comprising one of a selection of formats, at least one of the first records comprising executable program code or an object' and 'the user's database having second records comprising at least some of the first records, the second records comprising one of a selection of formats and at least one record comprising executable program code or an object broadcast from the first records' are not disclosed, taught or suggested by any prior art. Claims 48-53 present further limitations.

In claim 56, the claimed 'at least one first record comprises index data and the display on the television comprises menus based on the index data' is not disclosed, taught or suggested by any prior art.

In claim 57, the claimed 'supplying a user's database with requested records, the requested records being the result of a return link established between a microprocessor which operates with the user's database and the transmission database, the return link established at least in part via a telephone network' is not disclosed, taught or suggested by any prior art. Claim 58 presents further limitation.

In claim 59, the claimed 'the data stream comprises one or more data objects represented by information encoded in a first object and packet based protocol' is not disclosed, taught or suggested by any prior art. Claim 60 presents further limitation.

Claims 63-67 are objected to for the similar rationale given for claims 56-60.

Claims 70-74 are objected to for the similar rationale given for claims 56-60.

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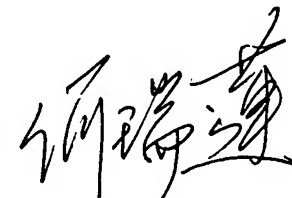
Claims 77-81 are objected to for the similar rationale given for claims 56-60.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruay L. Ho whose telephone number is (703) 305-3834. The examiner can normally be reached on Monday - Friday from 10 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-9707. The fax phone number for this Group is (703) 308-9051 or (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Ruay Lian Ho
Primary Examiner
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